

tion, and require that the Justices will put to their seals for a Witness, the Justices shall so do; and if one will not, another of the Company shall.

(2) And if the King, upon Complaint made of the Justices, cause the Record to come before him, and the same Exception be not found **127** \*in the Roll, and the Plaintiff shew the Exception written, with the Seal of a Justice put to, the Justice shall be commanded that he appear at a certain Day, either to confess or deny his Seal. (3) And if the Justice cannot deny his Seal, they shall proceed to Judgment according to the same Exception, as it ought to be allowed or disallowed.

petat quod justitiiarii apponant sigilla in testimonium justitiiarii sigilla sua apponant & si unus apponere noluerit apponat alius de societate. Et si forte ad querimoniam de facto justitiiariorum venire faciat dominus rex recordum coram eo & si illa exceptio non inveniat in rotulo & querens ostendat exceptionem scriptam cum sigillo justitiiarii appenso mandetur justitiiario quod sit ad certum diem ad cognoscendum sigillum suum vel deducendum. Et si justitiiarius sigillum suum deducere non possit procedatur ad iudicium secundum illam exceptionem prout admittenda esset vel cassanda.

9 Co. 13. Kelyng. 15. 2 Inst. 426. Regist. 182.

**Scope of statute.**—This Statute extends as well to the demandant or plaintiff as to the tenant or defendant in all actions, real, personal, and mixed. "Regularly," says Lord Coke, 2 Inst. 427, "it extendeth not to a stranger to the record which is not to come in lieu of the tenant. For example, if the bailiff of a franchise demand conusans and the justices overrule the same, he cannot pray the justices to enseal the bill because he is no party to the record; but yet one that offereth to be received and is denied, albeit he be none of the parties to the writ, yet because he is privy in estate and so *in loco tenentis*, he shall have the benefit of the act." The same authority says that it extends to all (common law) Courts of Record, and to inferior Courts, and to all pleas, dilatory and peremptory, &c., and to prayers to be received, *oyer* of any record or deed and the like, and to all challenges of jurors, and any material evidence given to any jury which by the Court is overruled.

In an early case in the Provincial Court of *Bordley v. Lloyd*, 1 H. & McH. 27, a clerk made an application by motion to be restored to his office in the County Court, on which the Court were of opinion "upon all and singular the premises, &c.," that the Secretary had power to discharge him without shewing cause, it being usual by all former Secretaries to do so, and his commission being only during pleasure. He thereupon moved for